GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Prakasam District – Sri Sk. Dawood Hussain, former Dy. Tahsildar, Kanigiri, Prakasam District (Retd) - Disciplinary proceedings initiated under Rule 20 of APCS (CCA) Rules, 1991 – Charges framed - Explanation submitted – Enquiry Officer appointed – Enquiry report submitted – conclusion of disciplinary proceedings under Rule 9 of the A.P.R.P. Rules, 1980 – Impose a punishment of "withholding of 5% pension for two years" on the Charged Officer – Orders – Issued.

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REVENUE (VIG.III) DEPARTMENT

G.O.RT.No. 868 **Dated: 06-11-2020.**

Read the following:

1. From the Chief Commissioner of Land Administration, A.P., Vijayawada, Lr.Ref.No.VSI(3)/2015/2018, Dt.12.07.2018.
2. Govt.Memo.No.18022/10/2018-Vig.III-Rev, Revenue (Vig.III) Dept, Dt:22.08.2019.
3. Representation Dt:13.09.2019 of Sri K.Dawood Hussain, Tahsildar (Retd) received through the District Collector, Prakasam vide Lr.Rc.A1/3598/ 2010, Dt:25.10.2019
4. Govt.Memo.No.18022/10/2018-Vig.III(2),Dt:20.03.2020.
5. Reptn dt:09.07.2020 of Sri Dawood Hussain, DT (Retd), Kanigiri, Prakasam District.
6. Govt.Letter.No.18022/10/2018-Vig.III(2), Dated:31.08.2020.
7. From the Secretary, APPSC, Lr.No.316/DC&C/2020, Dt:06.10.2020

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ORDER:

Whereas, in the reference 1st read above, it was brought to the notice of the Government by the Chief Commissioner of Land Administration, A.P., Vijayawada that the Collector, Prakasam has framed the following Article of Charge against Sri SK. Dawood Hussain, the then Deputy Tahsildar, Kanigiri (now retired).

Charge:

That Sri SK. Dawood Hussain, Deputy Tahsildar, Kanigiri while working as incharge Tahsildar, Kanigiri has issued a fictitious bogus S.C. Certificate on 29.05.2010 in favour of Ch.Jayanthi, Chinthalapalem Village, Kanigiri Mandal who originally belongs to Reddy community illegally without proper enquiry which shows his failure in discharging legitimate duties properly and thereby he misused his powers as in-charge Tahsildar and committed grave irregularities which amounts to misconduct as per the provisions contained under Rule 3 (1) of A.P.C.S (Conduct) Rules, 1964. Hence, the Charge.

2. Further, the Charged Officer has submitted his explanation to the charge. The Collector, Prakasam has appointed the Revenue Divisional Officer, Kandukur as Inquiry Officer to conduct enquiry in to the charges framed against the said charged officer and the inquiry officer has submitted his enquiry report dt:17.04.2017 stating that the charges are held not proved. The same has been forwarded to Government for concluding the disciplinary proceedings against Sri Sk.Dawood Hussain, former Dy. Tahsildar, Kanigiri, since he is retired from service on 30.04.2017 as the Government are alone competent to conclude action against the retired Government Servant under Rule 9 of A.P.R.P.Rules, 1980.

3. And whereas Government after careful examination of the matter, disagreed with the findings of the enquiry officer and observed that "though the volume of work existed on that particular day of issue of the Caste Certificate is heavy, it is the primary duty of being incharge Tahsildar to enquire properly and issue Caste Certificate, but he failed to do so". Hence, the findings of the Inquiry report are disagreed by the Government.

(Contd…2)

4. And as such, while furnishing a copy of the enquiry report along with the disagreement factors, Sri Sk. Dawood Hussain, former Deputy Tahsildar, Tahsildar Office, Kanigiri (retired), was directed to submit his representation, if any in the matter to the Government within 15 days from the date of receipt of the Memo, failing which it will be construed that he has no representation to offer and further action will be taken based on the material available with the Government, vide the ref 2nd read above.

5. In reply, Sri SK.Dawood Hussain in his representation dt:13.09.2019 has stated that Kanigiri is erstwhile Taluk Head Quarters having several Government and Private Colleges, Schools etc. May month is the month in which opening of school and colleges, hostels will start and there will be much pressure for issue of caste certificates. Further agricultural seasons will start from June and the Ryots will also come for issue of several Certificates. At this juncture, the Tahsildar went on leave and he had to hold the charge of Tahsildar in addition to his regular work. The Day 29th May on which application for issue of Caste Certificate to Ch.Jayanthi came to him was Saturday and the next day was Sunday. On 29.05.2010 as many as 73 proposals for issue of several kinds of certificates came. The certificate of Ch.Jayanthi was one among them. In addition to the normal work, he had to attend for issue of bunch of certificates on 29.05.2010 as the following day i.e., 30.05.2010 fallen Sunday. In order to complete the work by the evening of 29.05.2010, he has signed the certificate of Ch.Jayanthi basing on the recommendations of VRO and MRI. There is no motivation or interest lying behind the issue of the Caste Certificates to Ch.Jayanthi. Afterwards it was detected that the applicant being a post Graduate played fraud and obtained the certificate for her personal gains, the same was cancelled before it was put to use. Therefore, he has stated that the Caste Certificate to Ch.Jayanthi was issued under the compelled circumstances submitted above and he is already retired from service without punishments during his service and requested to consider and exonerate him of the charges leveled against him.

6. Government after careful examination of the matter and further representation of Sri K.Dawood Hussain, Deputy Tahdildar (Retd), has provisionally decided to award a punishment of “Withholding of pension 5% for two years” against him and directed him to show cause as to why the proposed penalty should not be imposed upon him for the irregularity committed, vide the reference 4th read above. In response to the Show Cause Notice, the Charged Officer i.e Sri K.Dawood Hussain, DeputyTahdildar (Retd), has submitted his explanation reiterating his earlier contentions and requested to exonerate him of the charge leveled against him.

7. After examining the explanation of the delinquent officer, Government have decided to confirm the provisional decision taken i.e, to impose a punishment of “Withholding of five per cent(5%) of the monthly pension for two(2) years” against the Charged Officer. Accordingly, the Secretary, APPSC was requested to place the above proposal of the Govt., before the Commission and furnish their concurrence to the Government for taking further action in the matter, vide the reference 6th read above.

8. In the reference 7th read above, the Secretary, APPSC has informed that after careful examination of the disciplinary case in the light of the records made available, Commission agrees with the proposals of the Government, to impose a punishment of "withholding 5% pension two years" against Sri SK.Dawood Hussain, Deputy Tahsildar (Retd) and advised accordingly.

9. Government, after careful examination of the matter have decided to confirm the provisional decision taken and accordingly hereby impose penalty of "withholding five per cent(5%) of monthly pension for two (2) years" against the Charged Officer (Rtd) ,Sri SK.Dawood Hussain, Deputy Tahsildar (Retd), formerly at Kanigiri, in terms of Rule 9 of Andhra Pradesh Revised Pension Rules, 1980.

(Contd…3)

10. The Chief Commissioner of Land Administration, Andhra Pradesh, Vijayawada/ the Collector, Prakasam District shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V. USHARANI,
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri SK.Dawood Hussain, Deputy Tahsildar (Retd), formerly at Kanigiri through the Collector, Prakasam District, Ongole.
The Chief Commissioner of Land Administration, Andhra Pradesh, Vijayawada.
The Collector, Prakasam District, Ongole.

Copy to:

The Principal Accountant General (A&E), A.P., Hyderabad.
The Secretary, Andhra Pradesh Public Service Commission, Vijayawada.
Sf/Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER